

**RUMSON PLANNING BOARD
JANUARY 5, 2015
MINUTES**

Chairman Lospinuso called the reorganization meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Lospinuso, Casazza, Clark, Shanley, Hewitt, Rubin, Baret, Clark, Williams. Also present: Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Bonnie Heard (T&M Assoc.), State Shorthand Services.

Reorganization

At this time, Councilman Rubin and Mr. Clark were sworn in by Mr. Steib, and both signed the oath of office.

Chairman – Councilman Rubin moved to elect Dr. Lospinuso as Chairman of the Rumson Planning Board, and Ms. Baret seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried

Vice Chairman – Councilman Rubin moved to elect Gary Casazza as Vice Chairman of the Rumson Planning board, and Dr. Lospinuso seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Planning Board Attorney – Councilman Rubin moved to appoint Michael Steib as Planning Board attorney, and Dr. Lospinuso seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Planning Board Engineer – Councilman Rubin moved to appoint T&M Associates as Planning Board engineers, and Dr. Lospinuso seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Planning Board Reporting Service – Councilman Rubin moved to appoint State Shorthand as Reporting Service for the Planning Board, and Ms. Baret seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Planning Board Secretary – Councilman Rubin moved to appoint Fred Andre as Secretary for the Planning board, and Dr. Lospinuso seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Official Newspapers – Councilman Rubin moved to appoint the Asbury Park Press and Two River Times as the official newspapers of the Planning Board and Mr. Casazza seconded.

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

2015 Meeting Schedule – Councilman Rubin moved to adopt the 2015 meeting schedule, and Mr. Casazza seconded:

January 5	July 6
February 2	August 3
March 2	September 14
April 6	October 5
May 4	November 2
June 1	December 7

Roll Call Vote: Ayes – All
Nays – None

Motion carried.

Approval of Minutes

Councilman Rubin moved to approve the minutes from the December, 1, 2014, meeting, and Mr. Clark seconded.

Roll Call Vote: Ayes – Lospinuso, Casazza, Shanley, Clark, Rubin, Hewitt, Baret
Nays – None
Abstain – Williams

Motion carried.

Resolutions

- 1. Neil & Carolyn DeSena, 3 Azalea Lane & 96 Ridge Road** – Mr. Steib presented a resolution of approval for a deviation of a special condition of prior minor subdivision approval from 5/2/11. Ms. Baret moved to adopt the resolution, and Mr. Shanley seconded.

Roll Call Vote: Ayes (Eligible) – Casazza, Shanley, Clark, Rubin, Hewitt, Baret
Nays – None
Abstain – Lospinuso, Williams

Motion carried.

Aaron T. Finch, 64 Waterman Ave. – Mr. Steib explained the applicants' request for clarification of a special condition in their resolution of approval for a minor subdivision, dated 12/2/13, which requires the construction of a new garage. The applicant is now considering having the garage under the raised house, instead of a detached structure.

Mr. Finch was sworn in and explained that he received approval for a minor subdivision, conditioned upon including a detached garage. He will not be staying in the home and is looking to sell the house. He found that most people want a home that has been raised, due to the water conditions. He does not think it makes sense to put a detached garage in the rear, and he would like to propose raising the house and put

the garage underneath; however, that is a very expensive proposition. There is a restriction that a garage must be provided.

Ms. Heard reviewed that the zoning ordinance requires that a garage be provided in this zone.

Mr. Casazza asked Mr. Finch if he is asking the board to allow him to not provide the garage; however, it was noted that the Board could not be guaranteed that any new owner would raise the house and provide a garage blow.

Mr. Steib said the issue is not how they build the house, but if the board gives them the flexibility to either provide the detached garage or put it underneath the house. It was noted that no C.O. could be granted until the conditions of approval are met. The required garage can be either attached or detached. The subdivision application was approved with the condition that a garage be provided.

Councilman Rubin noted that a performance guaranty was included in the prior approval.

Mr. Casazza reviewed that the applicant subdivided the property, but did not sell the other lot.

Mr. Finch explained that he was planning to stay on the property and sell the additional lot; however, he now will not be staying on the property, since he has recently become engaged. He is asking the board to remove the restriction on the deed to require the garage.

Ms. Heard explained the ordinance regarding to this issue. Mr. Finch stated he has done repairs to the house, but has not provided the required garage.

Mr. Steib suggested that Mr. Finch could request a variance to not have a garage, which would not be done tonight, or the other option would be to adopt a resolution that they could have either a detached or attached garage and extend the time period to build it. Whoever buys the property would know that this is a condition of the deed.

Mr. Finch said he does not think this will help him sell the property with this garage requirement, and he was told this is a part of the ordinance and not a deed restriction. Any future buyer would be required to provide a garage.

Ms. Heard noted that any variance needs justification as to why they cannot comply with the requirement under the zoning ordinance.

Councilman Rubin noted that the board gave Mr. Finch a choice on whether to put the garage in the rear or under the house and gave him another year to accomplish this.

Bernadette Barnett was sworn in and asked about the requirement for the garage, and Ms. Heard explained that the property had a garage, and after it was subdivided the existing garage was not on the lot with the house. The subdivision created a second lot.

Lisa Aldrich, 43 Orchard Lane, Colts Neck, was sworn in and asked about the restriction on Lot 15.02 regarding the C.O., expressing her opinion that this provides a hardship to any new buyer, because of the restriction. Mr. Casazza explained the variance process for this type of issue.

There were no other questions or comments from the public.

Councilman Rubin thinks Mr. Finch may need an attorney to explain the issue with the title company, as the Board is not sure what exactly needs to be changed.

Mrs. Williams agrees that the board could extend the time limit and allow the garage to be either attached or under the house, and Ms. Baret and Mr. Shanley agreed, also noting that Mr. Finch may require an attorney going forward.

Mr. Steib stated that there has already been a temporary C.O. for the past year, and the Board is now willing to extend the time limit. Mr. Shanley moved to clarify the condition of the Resolution that the garage can be either attached or detached, and they would grant the extension of the time limit to 12/31/15. Ms. Baret seconded.

Roll Call Vote: Ayes – Lospinuso, Casazza, Shanley, Clark, Williams, Rubin, Hewitt, Baret
Nays – None

Motion carried.

Other Business

Mr. Steib reported on some ongoing legal issues for the Board's information.

Mr. Andre said there is no new business for February, and there will be no meeting that month.

The next meeting will be **Monday, March 2, 2015 (7:30 p.m.)**

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Patricia Murphy
Clerk